



OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY No. 3

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

8/1/2004-LA

The Goa (Issue of Single Point Clearances for International Film Festival) Ordinance, 2004 (Ordinance No. 1 of 2004), which has been promulgated by the Governor of Goa on 6-4-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 7th April, 2004.

The Goa (Issue of Single Point Clearances for International Film Festival) Ordinance, 2004

(Ordinance No 1 of 2004)

*Promulgated by the Governor of Goa in the
Fifty-fifth Year of the Republic of India.*

An Ordinance to provide for speedy issuance of various licenses, clearances and Certificates required for construction/setting up of various projects, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected to International Film Festival of India which is scheduled to be held in the State of Goa.

Whereas, it is expedient to provide for speedy implementation of various projects, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected to international film festival of India which is scheduled to be held in the State of Goa, declared as permanent venue, by providing single point clearances to ensure speedy implementation of such project—

And Whereas the Legislature of the State of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

CHAPTER - I

Preliminary

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Goa (Issue of Single Point Clearances for International Film Festival) Ordinance, 2004.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) "Clearances" means no objection certificates, allotments, consents, approvals, permissions, registrations, enrollments, licences and the like,

required in connection with the setting up /undertaking, carrying on construction of various projects, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected to International Film Festival of India which is scheduled to be held in the State of Goa and shall include all such clearances required for the completion of the said projects, etc.;

(b) "Competent Authority" means any Department or agency of the Government, authorized Agency, Gram Panchayat, Municipality or other local body or Municipal Corporation or any other authority which is entrusted with the powers and responsibilities to grant or issue clearances;

(c) "International Film Festival of India" means the International Film Festival of India scheduled to be held in the State of Goa;

(d) "Government" means the Government of Goa;

(e) "Nodal Agency" means the Nodal Agency appointed by the Government under section 5 of this Ordinance;

(f) "Notification" means a notification published in the Official Gazette of the Government of Goa and the word "notified" shall be construed accordingly;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) "Single Point Clearance Committee" means the Committee constituted under sub-section (1) of section 3 of this Ordinance.

CHAPTER - II

3. Constitution, powers and functions of the Single Point Clearance Committee.— (1) For the purpose of issuing clearances for setting up of various project, infrastructural facilities, developmental work and upgradation of existing infrastructural facilities connected with or relating to international film festival of India which is scheduled to be held in the State of Goa, the Government may, by notification in the Official Gazette, constitute a Single Point Clearance Committee.

(2) The Single Point Clearance Committee shall consist of the Chief Secretary to the Government

of Goa as its Chairman and other members as follows:—

- i) Secretary to the Government of Goa in the Department of Town and Country Planning; Member
- ii) Secretary to the Government of Goa in the Department of Urban Development; Member
- iii) Secretary to the Government of Goa in the Department of Information and Publicity; Member
- iv) Chief Town Planner; Member
- v) Member Secretary (North Goa Planning and Development Authority); Member
- vi) Commissioner (Corporation of the City of Panaji); Member Secretary
- vii) Chief Conservator of Forests; Member
- viii) Captain of Ports; Member
- ix) Member Secretary (Goa Coastal Zone Management Authority); Member
- x) Director of Health Services; Member
- xi) Secretary (Goa Pollution Control Board); Member
- xii) Principal Chief Engineer, Public Works Department; Member
- xiii) Director of Fire Services; Member

(3) The Single Point Clearance Committee shall exercise the following powers and shall perform the following functions, namely:—

- (i) To meet at such times and places as the Chairman of the Committee may decide and shall transact the business as per the procedure as may be prescribed;
- (ii) To receive project proposals for single Point Clearance from the Nodal Agency and in respect of project declared as International Film Festival of India project by the Government;
- (iii) Notwithstanding anything contained in any State law, or rules, regulations, bye-laws, Notifications issued thereunder, for the time being in force, the Single Point Clearance Committee shall have all the powers, which are otherwise vested in the Competent Authority under state law or rules, regulation, bye laws,

notifications issued thereunder to give clearances for speedy implementation of various projects connected with International Film Festival of India and once such proposal is cleared by the said Committee, then no other clearance shall be required from any Competent Authority, Department, agency, authority, local body, Municipality or Municipal Corporation, any Committee or Board acting under the provisions of any State law or rules, regulations, bye laws, notifications framed thereunder.

(iv) The Committee shall have and exercise the powers to change the zone of any area for the purpose of implementation of various projects connected to International Film Festival of India which otherwise is vested in the Planning and Development Authority or Department of Town and Country Planning under the Goa Town and Country Planning Act 1975 (Act 21 of 1975) and rules, regulations framed thereunder.

(v) The Committee shall have powers to give permission/clearance to authorize or make change of use of any land to carry out any developmental activity for implementation of various projects connected to International Film Festival of India.

(vi) Notwithstanding anything contrary to any other laws for the time being in force, the Single Point Clearance Committee shall have the powers to grant any clearance or permission required for any projects, save and except sanction to the project by the Government as provided under this Ordinance, and such clearance or permission when granted shall be final, binding and conclusive on the concerned State level statutory bodies or administrative bodies or authorities as the case may be.

(vii) Notwithstanding any thing contrary in any law for the time being in force, the Single Point Clearance Committee may give direction to any Government Agency, or local authority or other authority or developer or person with regard to implementation of any project under this Ordinance or for carrying out its function under this Ordinance and such Government Agency or local authority or other authority or developer or person shall be bound to comply with such directions.

(viii) The Single Point Clearance Committee shall have power to call upon any Government agency or local authority or any other body or

authority or developer or person to furnish information, details, documents and particulars as may be required by the Single Point Clearance Committee in connection with or in relation to any project, which such Government Agency, local authority or body or authority or Developer, or person shall furnish to the Single Point Clearance Committee without any delay or default.

(ix) The Single Point Clearance Committee shall have power to inspect, visit, review, and monitor any project and its implementation, execution, operation, and management through its official or officials and the persons in charge of project shall be bound to give full cooperation to the Single Point Clearance Committee.

(x) The Single Point Clearance Committee shall have all power to enable it to carry out its function under the Ordinance.

(xi) The Committee shall have and exercise such other powers and functions as may be prescribed.

4. Declaration of Projects.— The Government may, by notification in the Official Gazette, declare any project/projects as a project/s connected with holding of International Film Festival of India in the State of Goa, and upon such declaration, the provisions of this Act, shall be applicable to such projects, development or work carried out or undertaken by or on behalf of the State Government.

5. Appointment and functions of Nodal Agency.— The Government may, by notification appoint a Nodal Agency to identify the project/s, infrastructural facilities and other development works and upgradation of existing infrastructural facilities for International Film Festival of India and submit the proposals before Single Point Clearance Committee for obtaining clearances for speedy execution of such projects.

6. The Government shall provide secretarial support to the Single Point Clearance Committee.

CHAPTER III

Miscellaneous

7. Ordinance to override other laws.— Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall have effect

notwithstanding anything inconsistent therewith contained in any other State law, rules, regulations of any authorities in force, orders, decrees, notifications, statutes, bye-laws for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

8. Bar on Civil Suit.— No Civil Suit shall lie against the Single Point Clearance Committee or any member of the Single Point Clearance Committee for any Order passed or any decision taken by the Single Point Clearance Committee or any member of the Single Point Clearance Committee in good faith.

9. Power to remove doubts and difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this ordinance as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this ordinance.

(2) Every order made under this section shall, as soon as may be after it is made be laid before the State Legislature.

10. Power to give directions.— The Government may, from time to time, issue such general or special directions of policy as deemed necessary or expedient for the purpose of carrying out the objects of this Ordinance.

11. Savings.— The provisions of this Ordinance shall not apply to any clearances required under Central enactments.

12. Power to make rules.— The Government may, by notification make rules for carrying out all or any of the provisions of this Ordinance.

Place: Panaji-Goa.
Date: 6th April, 2004.

KIDAR NATH SAHANI
Governor of Goa

Notification

7/10/2004-LA

The Goa Public Health (Amendment) Act, 2004 (Goa Act 10 of 2004), which has been passed by the Legislative Assembly of Goa on 19-2-2004 and assented to by the Governor of Goa on 1-4-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 7th April, 2004.

The Goa Public Health (Amendment) Act, 2004

(Goa Act 10 of 2004) [1-4-2004]

AN

ACT

further to amend the Goa, Daman and Diu Public Health Act, 1985.

BE it enacted by the Legislative Assembly of Goa in the Fifty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa Public Health (Amendment) Act, 2004.

(2) It shall come into force at once.

2. Insertion of new Chapter XA.— In the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985), after Chapter X, the following new Chapter XA shall be inserted, namely:—

"CHAPTER XA

Supply of potable water, electricity and other essential services

94A. Power of Government to issue directions.— (1) Notwithstanding anything contained in any provisions of this Act, or in any rules, regulations, notifications, orders or in any decree or judgement of any Court, or in any law

for the time being in force, the Government may, in appropriate cases, by order, direct any authorities, local bodies, statutory functionaries, or any other functionaries discharging public functions,—

(a) to grant, supply, provide and ensure supply of potable water, electricity, or such other essential services, so declared by the Government under the Goa Essential Services Maintenance Act, 1988 (Act 20 of 1989) or under any other law for the time being in force, to any person, house, structure, hut, factory, area, locality;

(b) to remove forthwith or within such period as the Government may specify in the order, any filth, nuisance, offensive trade or matter, sewage, or any object causing or likely to cause any disturbance to human senses or to public health, from any land or portion thereof, house, hut, structure, locality, river front, riverine land, port area, seabed, sea, river or nullah, anywhere in the State.

(2) The Government may empower any of the following authorities, by a special or general order, to perform its functions under sub-section (1), namely:—

(a) Health Officer of the concerned area;

(b) Chief Officer of a Municipal Council or the Commissioner of a Corporation, as the case may be;

(c) Director of Health Services;

(d) Collector of the District;

(e) Secretary to the Government, dealing with Public Health Department.

(3) Upon the issuance of an order under sub-section (1) or sub-section (2) by the Government, every authority, local body, statutory functionary or other functionaries and every person thereof referred to in sub-section (1) or sub-section (2), shall be bound to comply with the same and provide and facilitate the provision of potable water, electricity or any other essential services, as the case may be, and for this purpose, every authority, local body, statutory functionaries or other functionaries and every person thereof, referred to in sub-section (1) or sub-section (2), shall have all powers to lay necessary lines, cables, pipes, poles, pipelines, and to provide necessary

infrastructure, subject to the provisions of sub-section (4) hereof:

Provided that if any order issued by an authority empowered under sub-section (2) in respect of the nuisance referred to in clause (b) of sub-section (1) has not been complied with within the stipulated period, then, the authority empowered under sub-section (2) may order any statutory person or body to comply with such order within such further time as may be specified in the order and recover the cost incurred in removing such nuisance from the person responsible for such nuisance as an arrears of land revenue under the law for the time being in force.

(4)(a) In the event of any private right being affected or dispute having arisen, or any person, owner or occupier being entitled to any compensation, either under the Electricity Act, 2003 (Central Act 36 of 2003), the Land Acquisition Act, 1894 (Central Act 1 of 1894) or any other law for the time being in force, rights of such person to determine, claim and receive such compensation shall remain unaffected.

(b) In the event of any dispute as regards land, building, apportionment, encroachment, including legality or illegality of structure or occupation of any structure by any person or any question related or incidental thereto, such dispute, lis, proceedings, right, privilege shall remain unaffected and shall not prejudice any person in any way whatsoever.

(c) Providing water supply connection, electricity supply connection or any other essential service, shall not in any way be taken to have regularised, validated or legalised any such structure, premises, house, hut, area or occupation of or by any such person, as, an order under sub-section (1) is relatable to all matters of health only.

94B. Bar of Courts' jurisdiction to entertain suits.— Any order passed by or on behalf of the Government under section 94A shall not be called in question in any Court of law and no Court shall have jurisdiction to entertain, try or dispose of any proceedings, suit or application challenging, questioning or prohibiting, directly or indirectly, the order under section 94A:

Provided however that, the right of any person, body, authority, owner or occupier of any land or structure, to receive any compensation subsequent to such supply, under any law, shall not be affected.

94C. *Punishment for non-compliance with order under section 94A.*— Any person or statutory functionary or other functionaries or the principal officer of any authority or local body, responsible for complying with the order under section 94A, disobeying or not complying forthwith, or abetting violation of any orders under section 94A shall, on a trial by a Magistrate, be liable to punishment with imprisonment for a term which may extend to six months or a fine which may extend to Rs. 50,000/- or both.

94D. *Provisions of this Chapter to be in addition to and not in derogation of other provisions or laws.*— The provisions of this Chapter shall be in addition to and not in derogation of any other power under any other provisions of this Act or any other law for the time being in force."

Secretariat Annexe,
Panaji -- Goa.
Dated:- 7-4-2004.

L. S. SHETTY
Secretary to the
Government of Goa
Law Department (Legal Affairs).